

NRC INSPECTION MANUAL

PART 9900: 10 CFR GUIDANCE

50_36.CFR

10 CFR 50.36 CHANGES TO FACILITY TECHNICAL SPECIFICATIONS

A. PURPOSE

The purpose of this Guidance is to establish specific criteria which will be used by Office of Inspection and Enforcement (IE) personnel for the review and evaluation of IE recommended changes to facility technical specifications (TS). This guidance also delineates specific actions to be taken by IE Headquarters and Regional Office personnel in connection with IE recommended TS changes and outlines the Office of Nuclear Reactor Regulation (NRR) plan for apprising IE of the disposition of these TS changes.

B. DISCUSSION

10 CFR 50.36(d)(3) states, "At the initiative of the Commission or the licensee, any license may be amended to include technical specifications of the scope and content which would be required if a new license were being issued." It should be noted that 10 CFR 50.36 applies only to the TS identified in Appendix A to the facility license.

In general, licensees will not be required to update existing TS solely for uniformity purposes unless the licensee elects to do so on his own or the change appears necessary due to its safety significance.

NRR advised IE that the following action will be used to reflect the disposition of IE recommended changes to facility technical specifications.

- ° When NRR agrees with the proposed recommendation, the proposed change will become an action item listed in NR-M1-003-X, Status Summary Report (Pink Book).
- ° If NRR does not agree with the proposed change, the reason will be discussed in a memorandum, NRR to LWRPB, IE.

LWRPB is responsible for forwarding copies of such memoranda to the appropriate regional office.

1. IE Headquarters Responsibility. The Light Water Reactor Programs Branch (LWRPB) of the Division of Reactor Inspection Programs, has responsibility for Office interface with the Division of Operating Reactors (DOR), NRR, on matters relating to proposed TS (Appendix A) changes for operating Light Water Reactors. This single point of contact is necessary to

maintain a uniform IE posture on such matters and to assure that the recommended action is forwarded to the appropriate level of NRR management. This action does not preclude IE personnel from maintaining information channels with counterparts in NRR. Specific guidance relating to such information channels is described in MC 2500.

The criteria provided in Paragraph 3 will be used for the review and evaluation of recommended TS changes.

2. Regional Office Responsibility. Regional Office personnel should perform a preliminary review and evaluation of Regional Office recommended changes to ascertain whether the recommended change meets the criteria delineated in Paragraph 3. Recommended TS changes which meet these criteria should be forwarded to the Chief, Light Water Reactor Programs Branch, for action.
3. Criteria To Be Used For Review And Evaluation Of IE Recommended Changes To Technical Specifications. The following guidance is provided to identify the specific criteria that will be used by IE Headquarters personnel for the review and evaluation of IE recommended changes to facility technical specifications. Recommended TS changes which are in conformance with these criteria will be forwarded to the Division of Operating Reactors, NRR, for appropriate action.
 - a. Recommended changes to existing specific TS because of the following:
 - (1) Requirement needs clarification to resolve differences in interpretation between the licensee and IE inspection personnel.
 - (2) Requirement conflicts with other TS requirements or 10 CFR.
 - (3) Requirement is uninspectable, e.g., installed equipment is not compatible with requirement.
 - (4) Change appears necessary because of related safety significance.
 - b. Recommended TS changes which involve generic implications because of the following:
 - (1) Proposed change results from IE inspection or investigation of major licensee event, i.e., Browns Ferry Fire, BWR blowdowns, etc.
 - (2) Proposed change results from licensee response to an IE Bulletin or Circular.
 - (3) Proposed change involves corrective action for a significant event that occurred at a similar facility.

4. Temporary Changes To TS. On occasion, licensee representatives have contacted NRC Regional Offices for guidance concerning possible relaxation of regulatory requirements. Examples of such requests include the conduct of a special core physics test which may result in operation outside the limits of the TS or a need to initiate plant startup during a severe power shortage with selected system in violation of Limiting Condition for Operation requirements of the TS. IE does not have the authority to authorize operation in violation of regulatory requirements. Therefore, the licensee should be advised to contact the cognizant Licensing Project Manager, NRR, for appropriate action. Based on current practice, NRR will initiate prompt action based on a telephone request, with specific detail documented in a followup exchange of correspondence. NRR will also inform IE of the approved waiver and provide copies of appropriate documents.

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